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### **REMARKS**

The present response is intended to be fully responsive to all points of objection and/or rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested.

Applicants assert that the present invention is new, non-obvious and useful. Prompt consideration and allowance of the claims is respectfully requested.

### **Status of Claims**

Claims 1-8, 17, 19-32 are pending in the application.

Claims 1-15 and 17-20 have been rejected.

Claim 16 has been objected to.

Claims 9-16 and 18 have been cancelled without prejudice in this submission. Applicants reserve the right to file these claims in a continuing application.

New claims 21-32 have been added in this submission in order to further define what the Applicants consider to be the invention. Applicants respectfully assert that no new matter has been added.

### **Allowable Subject Matter**

Applicants are grateful for the Examiner's indication of allowable subject matter in claim 16; however, Applicants believe that all pending claims pursuant to this submission are allowable. Additionally, it is noted that claim 16 has been canceled in this submission, but that in light of the present amendments, claim 8 in the current set of claims is of substantially similar scope to the now-canceled claim 16.

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### **Claim Objections**

In the Office Action, the Examiner objected to claim 1 because of alleged informalities. Claim 1 has been amended in order to cure this informality. Accordingly, Applicants request withdrawal of the objection.

### **CLAIM REJECTIONS**

#### **35 U.S.C. § 112 Rejections**

In the Office Action, the Examiner rejected claim 8 under 35 U.S.C. § 112, second paragraph, because there is insufficient antecedent basis for "the lens."

Claim 8 has been amended to correct an erroneous dependency. It is respectfully asserted that the foregoing amendment is not made for purposes of patentability; however, the amendment corrects the antecedent basis deficiency pointed out by the Examiner.

Applicants respectfully assert that these amendments render claim 8 proper under 35 USC 112 and request that the rejections be withdrawn.

#### **35 U.S.C. § 102 Rejections**

In the Office Action, the Examiner rejected claims 1, 2, 4-7, 9, 10, 12-15 and 17-19 under 35 U.S.C. § 102(b), as being anticipated by US Patent No. 6,268,952 (Goldil, et al.). Applicants respectfully traverse this rejection in view of the remarks that follow.

Goldil discloses:

An optical switch uses a micromachined adjustable phase hologram device to route optical signals from an input fiber to selected output fibers is described. The adjustable phase hologram includes a large number of micromachined reflective ribbons which can be individually controlled and adjusted to produce a wide range of phase profiles to route the light beams from the input fiber. This optical switch is capable of dealing directly with optical signals, has fast switching speeds, is capable of routing WDM

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input signals, is polarization independent, is scalable to large switches, and avoids the complexity of other switches.

(Abstract). Goldil discloses a plurality of flexible stripes arranged in parallel to each other, which stripes may be bent continuously to reflect light in a plurality of directions ranging across an arc. (col. 3, lines 20, 43).

Goldil does not disclose or teach, either expressly or implicitly, two distinct states of on and off direction, as recited in claims 1 and 17. In fact, rather than having discrete on and off directions, Goldil discloses bending the elements in versatile orientations simultaneously to achieve modulated intensity of reflections, serving as an emulated mirror. (col. 4 lines 50-61, col. 5 line 35). It is respectfully noted that newly added claims 21 and 29 likewise contain this element.

Moreover, with respect to amended claims 1 and 17 – whose substance reflects now-cancelled claims 9 and 18 – the Examiner stated summarily without reference that Goldil “discloses . . . each of said at least two of a plurality of zones having a predetermined tilt orientation for all the reflecting elements in that zone, that is different from the tilt orientation of at least one other zone of said at least two of a plurality of zones.” (Office action p. 5). Applicants respectfully submit that this is not the case.

According to amended claim 1, there is a common “on” direction for the reflective elements and at least two different “off” directions for the elements. Goldil does not teach that “each of said at least two of a plurality of zones having a predetermined tilt orientation for all the reflective elements in that zone, that is different from the tilt orientation of at least one other zone of said at least two of a plurality of zones” as recited in amended claim 1 and 17. It is respectfully noted that newly added claims 21 and 29 likewise contain this element.

Applicants respectfully submit that independent claims 1, 17, 21 and 29 are not expressly or implicitly anticipated by Goldil. Accordingly, the claims are allowable over the art of record, as are all claims dependent therefrom.

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### **35 U.S.C. § 103 Rejections**

In the Office Action, the Examiner rejected claims 3, 11 and 20 under 35 U.S.C. § 103(a), as being unpatentable over Goldil et al. (US Patent No. 6,268,952).

In light of the remarks above, it is respectfully submitted that Goldil does not render obvious the pending claims. As discussed above, Goldil does not teach or suggest elements having "on" and "off" directions. Nor does anything in the prior art of record teach or suggest modifying Goldil to have "on" and "off" directions.

In addition, Goldil does not teach having "each of said at least two of a plurality of zones having a predetermined tilt orientation for all the reflective elements in that zone, that is different from the tilt orientation of at least one other zone of said at least two of a plurality of zones" as recited in the pending claims. Nor does anything in the prior art of record teach or suggest modifying Goldil to include such a feature.

Therefore, it is respectfully submitted that claims 1, 17, 21 and 29 are not obvious in light of the prior art of record. Accordingly, it is asserted that these claims and the claims dependent therefrom are allowable.

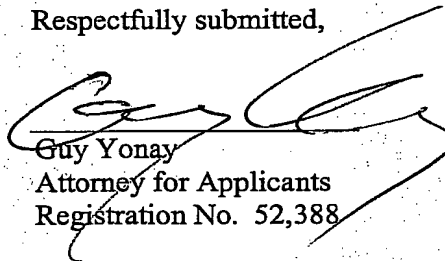
In view of the foregoing amendments and remarks, the pending claims are deemed to be allowable. Their favorable reconsideration and allowance is respectfully requested.

Should the Examiner have any question or comment as to the form, content or entry of this Amendment, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

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Please charge any fees associated with this paper to deposit account No. 05-0649.

Respectfully submitted,



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